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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,121	12/08/2000	Paul A. Saitta	9304/001	3059

24283 7590 09/30/2004

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EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,121

Applicant(s)

SAITTA, PAUL A.

Examiner

Albert W Paladini

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 10

The second and third steps on lines 5-7 recite means and not a procedural step. A "means" is an element in an apparatus, and not a verb form, which describes a step in a procedure.

Appropriate correction and clarification are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson (6236938).

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Atkinson discloses a system and method for creating maps using GPS systems. On lines 42-51 in column 4, Atkinson teaches a method and system whereby a user moves from position to position and makes measurements from his location to local objects. He states "Referring now to FIG. 1, a street 2 is shown having a plurality of utility poles 4 positioned along street 2. In accordance with one embodiment of the present invention, a person riding in a car 6 can take location measurements of utility poles 4 as the person drives along street 2. As discussed briefly above, the method involved in taking the location measurements of utility poles 4 includes taking two GPS location measurements at two different locations and then using a range finder to determine a distance that the unknown position is from a second measured position." This information is stored and converted into a map, as Atkinson discusses on lines 21-25 where he states "After obtaining the location values or coordinates and information for the objects 4 (FIG. 1) being measured, the stored values and information can be converted into a map. The map building process is well known in the art, and thus, will not be described herein." Atkinson teaches the use of these techniques to create maps of buildings in claim 6 where he states "The method as recited in claim 5, wherein said objects comprise at least one object from the group of objects comprising utility poles, utility boxes, water meters, houses and commercial buildings."

Relevant Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Backman (5902347) discloses a hand held navigation system with a GPS receiver, a database, a viewing port, and embedded processor which contains an optical viewport which takes a small (nominally 18 mm diagonal) LCD or equivalent display and expands the image such that it appears to the user as a full-size size computer display. The image is controlled by an embedded processor, which retrieves georeferenced map data from a non-volatile storage system. The processor uses position information received from the GPS receiver 13 and creates an image showing the user's position on the color display.

Hale (5938709) discloses a field mapping system where one embodiment of the present invention provides a system configured to sample at least one site-specific characteristic of an agricultural field at a plurality of locations within the field. The system includes a vehicle moveable over the field, a location signal generation circuit supported by the vehicle to generate

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location signals representative of the plurality of locations within the field, and a sensing circuit supported by the vehicle to generate characteristic signals representative of a characteristic sampled at the plurality of locations within the field. The system also includes a control circuit coupled to the generation circuit and the sensing circuit. The control circuit is configured to correlate location data representative of the location signals generated at the plurality of locations with characteristic data representative of the characteristic signals generated at the respective plurality of locations. The system also includes an electronic display supported by the vehicle and coupled to the control circuit. The electronic display includes a map display area, and the control circuit is configured to produce a display signal which, when applied to the electronic display, generates a map at a desired scale within the map display area which includes visible indicia of the current location of the vehicle and of the characteristic data which corresponds to the map display area. When the current location of the vehicle no longer corresponds to the map display area, the map is dynamically redrawn at the desired scale within the map display area to include visual indicia of the current location of the vehicle and of the characteristic data, which corresponds to the map display area.

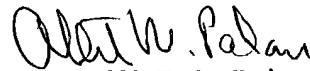
Lazar (6208933) discloses a sensor system for providing a cartographic overlay on a displayed sensor image for a current location where sensor information is integrated with map data to obtain a final image within the desired region.

6. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (703) 308-2005. The examiner can normally be reached from 7:30 to 3:30 PM on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (703) 308-0538. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

September 27, 2004


Albert W. Paladini
Primary Examiner
Art Unit 2125